9.

Mezentseva I. – Ph.D in Law, Associate Professor, Senior Lecturer of the Department of Public Prosecutor's Preparation from the the Law Abiding by Authorities which Realize Investigative Work, Inquisition, Pre-Trial Investigation of the National Academy of the Public Prosecutor's Office of Ukraine, Kyiv, Ukraine

Separate Issues of the Accompliceship during Rent-Seeking Behaviour Qualification: Law Enforcement Practice

In an article on the examples of the practice of law enforcement agencies, are considered some of the controversial issues that arise in the qualification participation in crimes of crimes constituting corruption crime. Place your examples of judicial decisions in this category of cases.

The receipt of illegal benefit is accomplished on a previous concert by the group of persons, id est if in the feasance of receipt of illegal benefit as co-executors participated two and anymore official persons that in good time id est to his beginning, arranged about it (both to and after the receipt of suggestion or promise to give an illegal benefit, but to her receipt). Agreement (plot) at the commission of this crime – it foremost consent to the common with other official persons use of the given power or official position for the receipt of one or a few forms (objects) of illegal benefit.

An official person that got an illegal benefit without a previous agreement with other official person and after it passed to that her part, bears responsibility for by totality of crimes is a receipt of illegal benefit and her grant (century 368 and century 369 CC of Ukraine).

Characterizing and especially characterizing signs that testify to an increase public ununconcern of receipt of illegal benefit (for example, connected with the shakedown of illegal benefit, her considerable, large or especially large sizes, responsible or especially responsible position of official person that got her, and others like that) it is required to put in guilt and co-executors, if these signs were embraced by their intention.

It follows the action of official person, that assisted the illegal moving of objects through a custom border, to examine as a complicity in contraband goods and, at presence of grounds, as a corresponding crime in the field of official activity. In contraband goods it follows accomplice to acknowledge and expert that gives an untruthful conclusion scienter, realizing that it is needed for the next illegal moving of cultural value through the custom border of Ukraine.

Keywords: corruption, classification of crimes, participation in crimes, improper advantage, subject of crime, motives and goals.